

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA NOBLE HEAVY RUNNER,

Defendant.

CR-14-74-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 19, 2021. (Doc. 82.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 15, 2021. (Doc. 77.) The United States accused Heavy Runner of violating his conditions of supervised release 1) by using suboxone; 2) by using a controlled substance; and 3) by using marijuana. (Doc. 74.)

At the revocation hearing, Heavy Runner admitted to violating the conditions of his supervised 1) by using marijuana. The government failed to satisfy its burden of proof with respect to alleged violations 1 and 2. (Doc. 77.) Judge Johnston found that the violation Heavy Runner admitted proved to be serious and warranted revocation, and recommended that Heavy Runner receive a custodial sentence of 6 months no supervised release to follow. (Doc. 82.) Heavy Runner was advised of his right to appeal and his right to allocute before the undersigned. (Doc.77.) The violations prove serious and warrant revocation of Heavy Runner's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 82) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Joshua Noble Heavy Runner be sentenced to the custody of the United States Bureau of Prisons for 6 months, with no supervised release to follow.

DATED this 3rd day of August, 2021.



Brian Morris, Chief District Judge
United States District Court